

UNSUCCESSFUL IN YOUR ATTEMPT TO QUALIFY FOR A VISA?

Generally, vice consuls must refuse visas if the applicant is ineligible under section 214(b) of the Immigration and Naturalization Act. The following paragraph explains this section of the law.

What is Section 214 (b)?

Section 214 (b) is the part of the Immigration and Nationality Act which states that every visa applicant is a potential immigrant until he or she can demonstrate the opposite before a consular officer at the moment he or she is applying for a non-immigrant visa, as well as demonstrating the same at the time of admission to the United States immigration authorities at the port of entry.

To qualify for a visitor's or student visa, applicants must demonstrate that they have a permanent residence in their country of origin and strong ties to their country of residence that will obligate them to return to their country at the end of their temporary visit to the United States. The immigration law obliges each applicant to demonstrate such ties.

Definition of Permanent Residency and Strong Ties

The word "Ties" means any and all aspects of the applicant's life that would require him or her to return to a home outside the United States.

The definition of permanent residency and strong ties varies from country to country, city to city, and individual to individual. Some examples of strong ties include professional, personal, or financial ties. Examples are: property, work, family and social obligations. The situation of each individual is different.

Vice consuls make a determination during the visa interview. They will consider each application individually, including the personal, social and cultural background of each applicant. In case of very young visa applicants, who due to their age do not have the necessary requisites to demonstrate strong ties to their country of origin, the vice consuls will study the specific purpose of the trip, family situation, and other personal factors. They analyze each case individually according to legal requirements.

Is a refusal under Section 214 (b) final?

No. The Consular Section will reconsider the case of an applicant who presents additional evidence of ties to his or her country of residence. The applicant must be able to present substantial evidence to prove that his or her situation has changed in a major way since the last application. It might be useful to answer the following questions before presenting a new application: 1) Did I explain my personal situation accurately? 2) Is there any information or additional documentation that I may present to demonstrate stronger ties to my country?

How can a U.S. Citizen or a Legal Permanent Resident help an applicant qualify for a visa?

Friends or relatives may issue an invitation letter or a letter of financial support. Although it will help, such a document does not guarantee a visa for the person who wants to visit. Visa applicants must qualify on their

own, based primarily on their own circumstances rather than on the credentials or sponsorship of a U.S. Citizen or a Legal Permanent Resident.